

Filed for intro on 02/08/95
Senate Bill _____
By _____

House No. HB0793
By Arriola, Jr.

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 6,
Part 7, relative to health maintenance organizations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-6-704(b)(3), is amended by removing the period (.) after the language "determinations" and adding "which includes a final, binding decision by a medical doctor who is:

- (A) independent of any financial interest in any affected party;
- (B) has recognized expertise in the medicaid issue being appealed; and
- (C) is mutually agreeable to the utilization review agent, the subscriber and the involved provider, if any".

SECTION 2. Tennessee Code Annotated, Section 56-6-704(b), is amended by adding the following new subsection:

- (4) An annual plan which shall include, but not be limited to:
 - (A) an estimate of prevalence of chemical dependency in the subscriber pool;

(B) an estimate of the need for each type of alcohol and other drug treatment service and length of stay each year;

(C) A follow-up plan to ensure continuing care;

(D) an outreach plan setting goals to increase identification and treatment of subscribers with alcohol and other drug problems, methods of access to assessment and treatment displaying timeliness and appropriateness for handling alcohol and other drug affected individuals;

(E) A proposed program network demonstrating a full continuum of care, geographic availability, cultural sensitivity and planning for special needs populations; and

(F) A method to provide measures of performance within each of these categories. These annual plans will include an assessment of its success in meeting the goals established in its plan and will be reviewed and approved by the commissioner.

SECTION 3. Tennessee Code Annotated, Section 56-6-704(b), is amended by adding an appropriately numbered new subsection to read:

() The specific criteria used by that HMO, PPO, MCO, any subcontractor, primary care physician and the utilization, review and appeal personnel to determine the type, level, length and course of treatment that will be available for any subscriber suffering from alcohol and other drug abuse or chemical dependency. The existence and name of the criteria shall be disclosed to subscribers in each subscriber's patient information book and the criteria shall be provided to the subscriber by the MCO upon request.

SECTION 4. Tennessee Code Annotated, Section 56-6-704(b), is amended by adding an appropriately numbered new subsection to read:

() A certification that all decisions and assessments related to alcohol and other drug affected people including initial certification are conducted by trained

personnel with acknowledged certification in the area of alcohol and other drug abuse or chemical dependency, such acknowledged certification being limited to:

- (A) certification as ASAM in the area of alcohol and other drug treatment;
- (B) certified alcohol and other drugs of abuse counselor;
- (C) certification under any other alcohol and other drug program recognized by ASAM; or
- (D) certification by any three (3) year training program in a facility licensed by the department of health, bureau of alcohol and drug abuse services, or equivalent out-of-state facility and a list of employees performing these duties who meet these criteria.

SECTION 5. Tennessee Code Annotated, Section 56-6-704(b), is amended by adding an appropriately numbered new subsection to read:

- () A certification that the utilization review agency does not provide or establish contracts or arrangements to complete initial patient interviews, assessment, pre-certification, concurrent review or any subsequent review where direct compensation or any specific part of compensation to individual or clinical decision-makers or MCOs depends on the determination of type or course of treatment, length of stay or level of care for an individual patient or groups of patients, whether the individual is an individual subscriber or in a group plan.

SECTION 6. Tennessee Code Annotated, Section 56-6-705(a)(1), is amended by deleting the language “within two (2) business days” and substituting instead the language “within one (1) business day”.

SECTION 7. Tennessee Code Annotated, Section 56-6-705(a)(4)(C), is amended by deleting the language “within forty-eight (48) hours of the date the appeal is filed” and substituting instead the language “within twenty-four (24) hours of the date the appeal is filed”.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.